

Regular Session of the Thirty-sixth Legislature, relating to highway officers, so as to require the wearing of uniforms and badges; and requiring such officers to patrol the public highways in performance of their duties; fixing and providing for the payment of salaries of such officers, and further providing that no fees shall be charged by any officer for arrests made under the laws of the State of Texas regulating the highways and the operation of motor vehicles thereon, and providing for co-operation between the State Highway Department and such officers for the protection of the highways, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room,
Austin, Texas, March 7, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 277, "An Act for the sale of oil and gas leases on University land and to provide for the extension of the time for the expiration of oil and gas permits heretofore issued on University land and the issuance of leases thereon without the payment of any further sum except royalty, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

FORTIETH DAY.

(Tuesday, March 10, 1925.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Bateman.
Albritton.	Bean.
Alexander	Bedford.
of Bastrop.	Blount.
Alexander	Bobbitt.
of Limestone.	Boggs.
Amsler.	Bonham.
Atkinson.	Brown.
Avis.	Bryant.
Baker of Orange.	Cade.
Baker of Panola.	Carter.
Barker.	Chitwood.
Barron.	Coffey.
Bartlett.	Conway.

Coody.	McNatt.
Covey.	Merritt.
Cox of Lamar.	Moore.
Cox of Navarro.	Morris.
Cummings.	Nicholson.
Dale.	Parish.
Daniels.	Pavlica.
Davis of Dallas.	Pearce.
Davis of Wood.	Perdue.
DeBerry.	Petsch.
Dielmann.	Poage.
Dinkle.	Pool.
Donnell.	Pope.
Downs.	Powell.
Dunn of Falls.	Purl.
Dunn of Hopkins.	Rawlins.
Durham.	Raymer.
Enderby.	Renfro.
Farrar.	Rice.
Faulk.	Robinson.
Fields.	Rogers.
Finlay.	Rowell.
Florence.	Rowland.
Frnka.	Runge.
Graves.	Sanford.
Gray.	Shearer.
Hagaman.	Sheats.
Hall.	Simmons.
Harman.	Simpson.
High.	Sinks.
Hollowell.	Smith of Nueces.
Hoskins.	Smith of Travis.
Jacks.	Smyth.
Jasper.	Sparks.
Johnson.	Stautzenberger.
Jones.	Stell.
Jordan.	Stevens.
Justice.	Stevenson.
Kemble.	Storey.
Kenyon.	Stout.
King.	Strong.
Kinnear.	Taylor.
Kittrell.	Teer.
Laird.	Thompson.
Lane of Hamilton.	Tomme.
Lane of Harrison.	Veatch.
Lipscomb.	Wade.
Loftin.	Walker.
Low.	Wallace.
Mankin.	Webb.
Masterson.	Wells.
Maxwell.	Westbrook.
McDonald.	Wester.
McDougald.	Williamson.
McFarlane.	Wilson.
McGill.	Woodruff.
McKean.	Young.

Absent.

Bird.	Kayton.
Dunlap.	Montgomery.
Hull.	

Absent—Excused.

Foster.	Irwin.
Harper.	McBride.

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Irwin for today, on motion of Mr. Bartlett.

Mr. McBride for today, on motion of Mr. Graves.

Mr. Harper for today, on motion of Mr. Pavlica.

Mr. Carter for last Thursday, Friday, Saturday and today, on motion of Mr. McKean.

BILLS ORDERED NOT PRINTED.

On motion of Mr. DeBerry, House bills Nos. 651, 652, 656, 657, 659, and Senate bills Nos. 366, 421, 378, 365, 420, 425, 416, 433, 380, 377, 414 and 432 were ordered not printed.

On motion of Mr. Williamson, Senate bills Nos. 426, 403, 436, 371, 400, 430, and House bill No. 653 were ordered not printed.

On motion of Mr. Lane of Harrison, Senate bill No. 222 was ordered not printed.

On motion of Mr. McGill, Senate bill No. 287 was ordered not printed.

IN REGARD TO UNITED STATES ARMY AND NAVY.

Mr. Petsch offered the following resolution:

H. C. R. No. 40, Relating to army and navy of United States.

Whereas, The President of the United States in a recent message to the Congress of the United States has stated that the army and navy of the United States should be strengthened and that a people who neglect their national defense are putting in jeopardy their national honor; and

Whereas, In furtherance of the National Defense Act of 1920, and in order to increase and promote the strength and effectiveness of the army, the chief of staff of the army of the United States has recommended substantially as follows:

(a) That the regular army be brought back to the strength of one hundred and fifty thousand enlisted men and thirteen thousand officers, and that it be suitably housed and enabled to conduct annual maneuvers on a moderate scale;

(b) That the national guard be given the support necessary to permit its pro-

gressive development toward a strength of two hundred and fifty thousand;

(c) That the skeleton organization of the organized reserves be adequately maintained;

(d) That all reserve officers receive an average of fifteen days training in each three years;

(e) That the reserve officers' training corps units be further developed; and

(f) That provision may be made for a gradual increase in the number accommodated annually in citizens' military training camps; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring:

1. That we respectfully and earnestly urge upon the Congress of the United States the necessity of appropriating such funds and enacting such legislation as will adequately provide for the effective carrying out of the provisions of the National Defense Act of 1920, and also the recommendations of the chief of staff of the Army of the United States hereinbefore set forth.

2. Suitable copies of this resolution shall be sent by the Secretary of State to the President of the United States, the presiding officers of both branches of Congress, to the Senators and Representatives in Congress from this State, and to the members of the congressional Committee on Appropriations and on Military Affairs.

The resolution was read second time.

On motion of Mr. McFarlane, the resolution was referred to the Committee on Military Affairs.

RELATING TO MONETARY SYSTEM.

Mr. Bryant offered the following resolution:

H. C. R. No. 41, Relating to monetary system.

Whereas, Our present monetary system is inadequate to prevent, if not responsible for, the fluctuation in the value of our currency and credits, which causes a like fluctuation in the price of farm products, even to producing disastrous calamities as of 1920; and

Whereas, Under said monetary system the public improvements of the Nation and States so much needed can not be carried on without following a bonded system that threatens bankruptcy; and

Whereas, Many eminent students of the economic situation believe that a monetary system may be adopted by a nation which will reduce taxation to a minimum, if it does not entirely do away with it, and will do away with

the necessity of issuing bonds, while rapidly pushing public improvements, and automatically regulating and stabilizing the value of the dollar and preventing panics; and

Whereas, The Congress of the United States has the power of fixing and regulating the monetary system of the Nation; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Congress of the United States is hereby requested to select a joint committee of its Senate and House of Representatives to investigate such plan of a financial system, and report its findings. That said committee thus selected have power to subpoena before it men popularly recognized as of sound judgment and unselfish character to analyze said plan, and each pass judgment thereon, and their testimony, verbatim, to accompany the report of the committee.

Signed—Bryant, Moore, Graves, Enderby, Boggs, Bateman, Thompson, Pavlica, Stautzenberger, Albritton, Stell, Donnell.

The resolution was read second time.

On motion of Mr. McFarlane, the resolution was referred to the Committee on State Affairs.

RELATING TO NATIONAL GUARD.

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 19, Relating to United States national guard, the resolution having heretofore been read second time and reported favorably by the Committee on Military Affairs.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 162 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 162, A bill to be entitled "An Act to repeal Article 2753 of the Revised Civil Statutes of 1911, pertaining to the organization and holding of county and district institutes for teachers, and declaring an emergency."

The bill was read third time and was passed.

Mr. Covey moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.
(Mr. Bobbitt in the chair.)

HOUSE BILL NO. 426 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 426, A bill to be entitled "An Act to abrogate 'The Rule in Shelley's Case' in Texas, as relates to instruments taking effect after December 31, 1925."

The bill was read third time and was passed.

(Speaker in the chair.)

SENATE BILL NO. 196 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 196, A bill to be entitled "An Act to authorize railroad companies to construct and operate spur or industrial tracks, and to condemn property for right of way therefor, and declaring an emergency."

The bill was read second time.

Mr. Frnka offered the following amendment to the bill:

Amend Senate bill No. 196, Section 1, by adding after the word "mines" the following: "Rock quarries, rock deposits, gravel pits, gravel deposits."

The amendment was adopted.

Mr. Smyth offered the following amendment to the bill:

Amend Senate bill No. 196 by adding after period in line 23, page 1, to be known as Section 1a: "Providing that the application for a spur track made by an industrial plant not located or fronting on the railroad right-of-way shall not be refused by the railroad company if said industrial plant in its application shall agree to bear one-half of the cost of said spur track."

On motion of Mr. Dunn of Hopkins, the amendment was tabled.

Mr. Wade offered the following amendment to the bill:

Amend Senate bill No. 196 by adding to Sections 1 and 1a the following: "Provided, that no railroad corporation shall undertake the construction or operation of a spur or industrial track under this act unless and until there shall first have been obtained from the Railroad Commission of Texas a certificate that the present or future public convenience and necessity require or will require the construction or operation or construction and operation of such spur or industrial track."

Signed—DeBerry, Wade, Pope, Kemble.

(Pending consideration of the amend-

ment Mr. Chitwood occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Barker moved the previous question on the pending amendment and the bill, and the main question was ordered.

Mr. Gray raised a point of order on consideration of the amendment on the ground that it is not germane to the purpose of the bill.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision by its vote on the amendment.

Question recurring on the amendment, it was lost.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 196 was then passed to third reading by the following vote:

Yeas—85.

Acker.	Kinnear.
Albritton.	Kittrell.
Alexander	Lipscomb.
of Limestone.	Loftin.
Amsler.	Low.
Avis.	Mankin.
Baker of Panola.	Masterson.
Bartlett.	McKean.
Blount.	McNatt.
Boggs.	Nicholson.
Cade.	Parish.
Carter.	Pavlica.
Chitwood.	Pearce.
Coffey.	Perdue.
Conway.	Petsch.
Coody.	Poage.
Covey.	Pool.
Cox of Lamar.	Pope.
Cox of Navarro.	Powell.
Cummings.	Purl.
Daniels.	Rawlins.
Dielmann.	Renfro.
Donnell.	Rice.
Downs.	Rogers.
Dunn of Hopkins.	Rowell.
Durham.	Rowland.
Enderby.	Runge.
Fields.	Sanford.
Finlay.	Shearer.
Florence.	Sheats.
Frnka.	Sinks.
Graves.	Smith of Nueces.
Gray.	Sparks.
Hall.	Stell.
Harman.	Stevenson.
Hollowell.	Storey.
Jacks.	Strong.
Johnson.	Taylor.
Jones.	Teer.
Justice.	Tomme.
Kemble.	Veatch.
Kenyon.	Webb.
King.	Wells.

Wester.
Williamson.

Wilson.

Nays—38.

Alexander	Maxwell.
of Bastrop.	McDonald.
Baker of Orange.	McDougald.
Barker.	McFarlane.
Bateman.	McGill.
Bean.	Moore.
Bedford.	Morris.
Bryant.	Raymer.
Dale.	Robinson.
Davis of Wood.	Simmons.
DeBerry.	Smith of Travis.
Dinkle.	Stautzenberger.
Faulk.	Stevens.
Hagaman.	Stout.
High.	Wade.
Hoskins.	Walker.
Jasper.	Wallace.
Lane of Hamilton.	Westbrook.
Lane of Harrison.	Woodruff.

Present—Not Voting.

Farrar. Young.

Absent.

Atkinson.	Hull.
Barron.	Jordan.
Bird.	Kayton.
Bobbitt.	Laird.
Bonham.	Merritt.
Brown.	Montgomery.
Davis of Dallas.	Simpson.
Dunlap.	Smyth.
Dunn of Falls.	Thompson.

Absent—Excused.

Foster. Irwin.
Harper. McBride.

Mr. Purl moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO TAKE UP SENATE BILL
NO. 196.

Mr. Masterson moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 196 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—84.

Acker.	Amsler.
Albritton.	Baker of Panola.
Alexander	Barron.
of Limestone.	Bartlett.

Bean.	McNatt.
Boggs.	Merritt.
Cade.	Nicholson.
Chitwood.	Parish.
Coffey.	Pavlica.
Conway.	Pearce.
Covey.	Perdue.
Cox of Lamar.	Petsch.
Cummings.	Poage.
Daniels.	Pope.
Dielmann.	Powell.
Dunn of Hopkins.	Purl.
Durham.	Renfro.
Faulk.	Rice.
Fields.	Rogers.
Finlay.	Rowland.
Florence.	Runge.
Frnka.	Sanford.
Graves.	Shearer.
Gray.	Sheats.
Hall.	Simmons.
Harman.	Sinks.
Hollowell.	Smith of Nueces.
Jacks.	Smith of Travis.
Johnson.	Sparks.
Jones.	Stell.
Justice.	Stevenson.
Kemble.	Storey.
Kenyon.	Strong.
King.	Taylor.
Kinnear.	Teer.
Kittrell.	Veatch.
Lipscomb.	Webb.
Loftin.	Wells.
Low.	Wester.
Mankin.	Williamson.
Masterson.	Wilson.
McGill.	Young.

Nays—36.

Alexander	Lane of Hamilton.
of Bastrop.	Lane of Harrison.
Avis.	Maxwell.
Baker of Orange.	McDonald.
Barker.	McDougald.
Bateman.	McFarlane.
Bedford.	Moore.
Bryant.	Pool.
Dale.	Raymer.
Davis of Wood.	Robinson.
DeBerry.	Stout.
Dinkle.	Tomme.
Donnell.	Wade.
Farrar.	Walker.
Hagaman.	Wallace.
High.	Westbrook.
Hoskins.	Woodruff.
Jasper.	

Absent.

Atkinson.	Carter.
Bird.	Coody.
Blount.	Cox of Navarro.
Bobbitt.	Davis of Dallas.
Bonham.	Downs.
Brown.	Dunlap.

Dunn of Falls.	Montgomery.
Enderby.	Rawlins.
Hull.	Rowell.
Morris.	Simpson.
Jordan.	Smyth.
Kayton.	Stautzenberger.
Laird.	Stevens.
McKean.	Thompson.

Absent—Excused.

Foster.	Irwin.
Harper.	McBride.

RELATING TO HOUSE BILL NO. 265.

Mr. Loftin called up, for consideration at this time, the motion to reconsider the vote by which House bill No. 265 failed to pass to engrossment.

Mr. McFarlane moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—72.

Acker.	Lane of Harrison.
Alexander	Mankin.
of Bastrop.	McDonald.
Alexander	McDougald.
of Limestone.	McFarlane.
Amsler.	McGill.
Atkinson.	McKean.
Avis.	McNatt.
Barker.	Moore.
Bartlett.	Parish.
Bateman.	Pavlica.
Bedford.	Perdue.
Bobbitt.	Pope.
Boggs.	Rawlins.
Brown.	Rogers.
Bryant.	Rowland.
Carter.	Sanford.
Coffey.	Sheats.
Conway.	Simmons.
Dale.	Sinks.
Davis of Wood.	Smith of Travis.
DeBerry.	Smyth.
Donnell.	Sparks.
Downs.	Stautzenberger.
Dunn of Hopkins.	Stell.
Farrar.	Stout.
Graves.	Tomme.
Gray.	Veatch.
Harman.	Wade.
High.	Walker.
Hoskins.	Wallace.
Jasper.	Webb.
Justice.	Wells.
King.	Westbrook.
Kinnear.	Wester.
Laird.	Woodruff.
Lane of Hamilton.	

Nays—41.

Albritton.	Barron.
Baker of Orange.	Bean.

Cade.	Pearce.
Chitwood.	Petsch.
Coody.	Poage.
Covey.	Pool.
Cox of Navarro.	Powell.
Daniels.	Raymer.
Dielmann.	Renfro.
Fields.	Rice.
Finlay.	Robinson.
Frnka.	Rowell.
Hollowell.	Runge.
Johnson.	Shearer.
Jones.	Stevenson.
Kenyon.	Storey.
Kittrell.	Strong.
Loftin.	Taylor.
Masterson.	Williamson.
Merritt.	Wilson.
Morris.	Young.

Absent.

Baker of Panola.	Hull.
Bird.	Jacks.
Blount.	Jordan.
Bonham.	Kayton.
Cox of Lamar.	Kemble.
Cummings.	Lipscomb.
Davis of Dallas.	Low.
Dinkle.	Maxwell.
Dunlap.	Montgomery.
Dunn of Falls.	Nicholson.
Durham.	Purl.
Enderby.	Simpson.
Faulk.	Smith of Nueces.
Florence.	Stevens.
Hagaman.	Teer.
Hall.	Thompson.

Absent—Excused.

Foster.	Irwin.
Harper.	McBride.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 10, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 446, A bill to be entitled "An Act consolidating Common School Districts Nos. 2 and 7 of Potter county, Texas, into Potter Consolidated Common School District No. 2; providing for an election of trustees; defining the powers of the district and of the trustees; defining the powers of the county board of school trustees with reference to the boundary lines of this district; providing for an election to determine whether the consolidated district shall assume the outstanding bonds of component Dis-

trict No. 2, and declaring an emergency."

S. B. No. 331, A bill to be entitled "An Act to fix and determine the fees to be charged by the clerks of the district courts in counties in this State having a population of less than 37,000, according to the United States census of 1920 for entering and recording judgments foreclosing liens on real estate in delinquent tax suits, repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 382, A bill to be entitled "An Act to provide for the printing, sale and distribution of the Revised Civil Statutes of 1925, the Penal Code and Code of Criminal Procedure of 1925, as passed at the Regular Session of the Thirty-ninth Legislature; providing that all officers in Texas who have taken out their commission shall be entitled to a copy of said Revised Civil Statutes, Penal Code and Code of Criminal Procedure for the use and benefit of their respective office; providing that each Senator and Representative in the Legislature of the State of Texas shall be entitled to a copy each of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure; providing that the State Board of Control shall have printed at the expense of the State ten thousand copies of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, to be bound in law sheep and to be sold at actual cost to the State, and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this act, and declaring an emergency."

S. B. No. 393, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to wit: Agricultural and Mechanical College, College of Industrial Arts, East Texas State Teachers College at Commerce, State Experiment Stations, Extension Service of Agricultural and Mechanical College, John Tarleton Agricultural College, North Texas Agricultural College, North Texas State Teachers College at Denton, Prairie View State Normal and Industrial College, Sam Houston State Teachers College at Huntsville, South Texas State Teachers College at Kingsville, Southwest Texas State Teachers College at San Marcos, State Forestry Department, Stephen F. Austin State Teachers

College at Nacogdoches, Sul Ross State Teachers College at Alpine, Texas School for the Blind, Texas School for the Deaf, Texas Technological College, University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso, and West Texas State Teachers College at Canyon, for years beginning September 1, 1925, and ending August 31, 1927, and declaring an emergency."

S. C. R. No. 34, Relating to Mrs. O. D. Oliphant to be invited to address the House and Senate.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

RELATING TO HOUSE JOINT RESOLUTION NO. 16.

Mr. McFarlane moved that the House rule fixing the regular order of business be suspended for the purpose of considering at this time House joint resolution No. 16.

The motion was lost by the following vote:

Yeas—54.

Alexander	McDonald.
of Bastrop.	McDougald.
Alexander	McFarlane.
of Limestone.	McGill.
Atkinson.	McKean.
Avis.	McNatt.
Bartlett.	Merritt.
Bedford.	Parish.
Bobbitt.	Perdue.
Bonham.	Poage.
Carter.	Pope.
Conway.	Purl.
Cox of Navarro.	Rawlins.
Cummings.	Raymer.
DeBerry.	Rice.
Donnell.	Rowland.
Dunn of Hopkins.	Sheats.
Durham.	Smith of Travis.
Fields.	Sparks.
Harman.	Stout.
High.	Taylor.
Jacks.	Tomme.
Jones.	Veatch.
King.	Wade.
Kinnear.	Walker.
Laird.	Wells.
Lane of Hamilton.	Westbrook.
Mankin.	Woodruff.

Nays—64.

Acker.	Bean.
Albritton.	Boggs.
Amsler.	Brown.
Baker of Orange.	Bryant.
Barker.	Cade.
Barron.	Chitwood.
Bateman.	Coffey.

Coody.	Moore.
Covey.	Morris.
Cox of Lamar.	Pavlica.
Dale.	Pearce.
Daniels.	Petsch.
Davis of Wood.	Powell.
Dielmann.	Renfro.
Downs.	Robinson.
Enderby.	Rogers.
Farrar.	Rowell.
Finlay.	Runge.
Florence.	Sanford.
Frnka.	Shearer.
Graves.	Sinks.
Gray.	Smyth.
Hollowell.	Stell.
Hoskins.	Stevenson.
Jasper.	Storey.
Johnson.	Strong.
Justice.	Wallace.
Kenyon.	Webb.
Lane of Harrison.	Wester.
Loftin.	Williamson.
Low.	Wilson.
Masterson.	Young.

Absent.

Baker of Panola.	Kittrell.
Bird.	Lipscomb.
Blount.	Maxwell.
Davis of Dallas.	Montgomery.
Dinkle.	Nicholson.
Dunlap.	Pool.
Dunn of Falls.	Simmons.
Faulk.	Simpson.
Hagaman.	Smith of Nueces.
Hall.	Stautzenberger.
Hull.	Stevens.
Jordan.	Teer.
Kayton.	Thompson.
Kemble.	

Absent—Excused.

Foster.	Irwin.
Harper.	McBride.

HOUSE BILL NO. 100 WITH SENATE AMENDMENTS.

Mr. Wallace called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 100, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and small towns, of aiding the people to provide adequate school facilities for the education of their children for the next two fiscal years, ending August 31, 1926, and August 31, 1927, respectively."

The Speaker laid the bill before the House, and the Senate amendments were read.

Mr. Wallace moved that the House do

not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

Mr. Purl moved that further consideration of the amendment and the bill be postponed until 2:00 o'clock p. m. tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—22.

Acker.	Hollowell.
Cade.	McNatt.
Carter.	Petsch.
Cummings.	Pope.
Davis of Wood.	Purl.
Dielmann.	Raymer.
Dunn of Hopkins.	Sheats.
Durham.	Simmons.
Faulk.	Smyth.
Florence.	Taylor.
Graves.	Walker.

Nays—79.

Albritton.	Lane of Hamilton.
Alexander of Bastrop.	Lane of Harrison.
Alexander of Limestone.	Low.
Amsler.	Maxwell.
Baker of Orange.	McDonald.
Baker of Panola.	McGill.
Barker.	Merritt.
Barron.	Moore.
Bartlett.	Morris.
Bateman.	Nicholson.
Bean.	Parish.
Bedford.	Pavlica.
Blount.	Pearce.
Bonham.	Poage.
Brown.	Powell.
Bryant.	Rawlins.
Chitwood.	Renfro.
Coffey.	Rice.
Conway.	Robinson.
Coody.	Rogers.
Cox of Lamar.	Rowell.
Dale.	Sanford.
Daniels.	Shearer.
DeBerry.	Sinks.
Dunn of Falls.	Smith of Nueces.
Enderby.	Smith of Travis.
Farrar.	Stautzenberger.
Finlay.	Stell.
Frnka.	Stevens.
Harman.	Stevenson.
High.	Storey.
Hoskins.	Strong.
Jasper.	Thompson.
Johnson.	Veatch.
Jones.	Wallace.
Jordan.	Webb.
Justice.	Westbrook.
Kittrell.	Wester.
Laird.	Williamson.
	Woodruff.
	Young.

Present—Not Voting.

McDougald.

Absent.

Atkinson.	King.
Avis.	Kinnear.
Bird.	Lipscomb.
Bobbitt.	Loftin.
Boggs.	Mankin.
Covey.	Masterson.
Cox of Navarro.	McFarlane.
Davis of Dallas.	McKean.
Dinkle.	Montgomery.
Donnell.	Perdue.
Downs.	Pool.
Dunlap.	Rowland.
Fields.	Runge.
Gray.	Simpson.
Hagaman.	Sparks.
Hall.	Stout.
Hull.	Teer.
Jacks.	Tomme.
Kayton.	Wade.
Kemble.	Wells.
Kenyon.	Wilson.

Absent—Excused.

Foster.	Irwin.
Harper.	McBride.

Mr. Frnka moved that the reading of the Senate amendments be dispensed with.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—84.

Acker.	Dunn of Hopkins.
Albritton.	Durham.
Alexander of Limestone.	Enderby.
Amsler.	Farrar.
Baker of Orange.	Faulk.
Baker of Panola.	Frnka.
Barker.	Florence.
Barron.	Graves.
Bateman.	Gray.
Bean.	Harman.
Bedford.	High.
Blount.	Hollowell.
Bobbitt.	Hoskins.
Boggs.	Jasper.
Bonham.	Johnson.
Brown.	Jones.
Bryant.	Jordan.
Cade.	Justice.
Chitwood.	Kenyon.
Coffey.	Laird.
Conway.	Loftin.
Coody.	Low.
Dale.	Mankin.
Daniels.	McDonald.
DeBerry.	Merritt.
Dunn of Falls.	Moore.
	Parish.

Pavlica.	Stautzenberger.
Pearce.	Stell.
Perdue.	Stevens.
Poage.	Storey.
Powell.	Strong.
Renfro.	Teer.
Robinson.	Thompson.
Rogers.	Tomme.
Rowell.	Veatch.
Rowland.	Wallace.
Sanford.	Webb.
Simmons.	Westbrook.
Sinks.	Wester.
Smith of Nueces.	Williamson.
Smyth.	Wilson.
Sparks.	Young.

Nays—22.

Avis.	McNatt.
Bartlett	Morris.
Carter.	Pool.
Cox of Navarro.	Pope.
Davis of Wood.	Purl.
Dielmann.	Raymer.
Kittrell.	Sheats.
Lane of Hamilton.	Taylor.
Maxwell.	Wade.
McGill.	Walker.
McKean.	Woodruff.

Absent.

Alexander	King.
of Bastrop.	Kinnear.
Atkinson.	Lane of Harrison.
Bird.	Lipscomb.
Covey.	Masterson.
Cox of Lamar.	McDougald.
Cummings.	McFarlane.
Davis of Dallas.	Montgomery.
Dinkle.	Nicholson.
Donnell.	Petsch.
Downs.	Rawlins.
Dunlap.	Rice.
Fields.	Runge.
Finlay.	Shearer.
Hagaman.	Simpson.
Hall.	Smith of Travis.
Hull.	Stevenson.
Jacks.	Stout.
Kayton.	Wells.
Kemble.	

Absent—Excused.

Foster.	Irwin.
Harper.	McBride.

Question then recurring on the motion of Mr. Wallace, it prevailed.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Alexander of Lime-stone, Senate bill No. 283 was ordered not printed.

On motion of Mr. Hall, Senate bill No. 383 was ordered not printed.

On motion of Mr. Coffey, House bill No. 654 was ordered not printed.

On motion of Mr. Dielmann, Senate bill No. 44 was ordered not printed.

On motion of Mr. Wester, House bill No. 634 was ordered not printed.

NOTICE GIVEN.

Mr. Williamson gave notice that he would on tomorrow ask to be taken up for consideration at that time Senate bill No. 74.

Mr. Hall gave notice that he would on tomorrow ask to be taken up for consideration at that time Senate bill No. 81.

HOUSE BILL NO. 281 WITH SENATE AMENDMENTS.

Mr. Smith of Nueces called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 281, A bill to be entitled "An Act to provide for the inspection and standardization of junior colleges, teachers colleges, colleges and universities of the first class; prescribing fees therefor; providing fees to be paid by teachers securing certificates based on work done in such institutions; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Smith of Nueces, the House concurred in the Senate amendments.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 100.

The Speaker announced the appointment of the following conference committee on the part of the House on House bill No. 100:

Messrs. Wallace, Storey, Powell, Johnson and Moore.

COMMUNICATION FROM LOUISIANA COMMISSIONER OF AGRICULTURE.

The Speaker laid before the House, and had read, the following communication:

Baton Rouge, La., March 9, 1925.

Speaker of the House of Representatives, Austin, Texas.

Press reports indicate that appropriation for administering pink boll worm work might fail to pass. We are deeply interested in seeing Texas free of this

pest. Lack of funds would jeopardize all good work that has been done. We are anxious to raise Louisiana quarantine against Texas but can not do so until pink boll worm is eradicated. Will you use your influence in securing passage of appropriation.

HARRY D. WILSON,
Commissioner of Agriculture.

RECESS.

On motion of Mr. Loftin, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

BILL ORDERED NOT PRINTED.

On motion of Mr. Davis, House bill No. 200 was ordered not printed.

RELATING TO CONSIDERATION OF SENATE BILL NO. 252.

The Speaker laid before the House and had read the following agreement:

Austin, Texas, March 10, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: The following agreement between the proponents and the opponents of Senate bill No. 252, the Amnesty Bill, is reached, in so far as the steering committees are concerned, with respect to the consideration of said bill by the House:

First: All points of order and amendments to the bill are to be first considered and disposed of before debate on the merits of the bill begins.

Second: There shall be reasonable time for debate by the members of the House on the merits of the bill, said time not to exceed seven (7) hours, with equal apportionment of time to each side.

Third: At the close of the debate on the merits of the bill, the opponents of the bill shall move the previous question, and after the previous question is ordered, then one closing speech for each side shall be made.

LOFTIN,
For the Proponents.
BOBBITT,
For the Opponents.

On motion of Mr. Hall, the House agreement was adopted.

RECALLING HOUSE BILL NO. 246 FROM THE GOVERNOR FOR CORRECTION.

Mr. Webb offered the following resolution:

H. C. R. No. 42, Recalling House bill No. 246 from the Governor.

Whereas, There was an amendment offered to House bill No. 246, and in some manner was omitted from the enrolled bill; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Chief Clerk of the House of Representatives be instructed to change the enrolled bill as was provided for in the amendment.

The resolution was read second time and was adopted.

SENATE BILL NO. 252 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour on its second reading and passage to third reading,

S. B. No. 252, A bill to be entitled "An Act granting to every person against whom any judgment of conviction has heretofore been rendered by the Senate of the State of Texas in any impeachment proceedings, a full and unconditional release of any and all acts and offenses of which any such person was so convicted under and by virtue of any such judgment, and to cancel and remit any and all punishment fixed or assessed by any such judgment of said Senate, including that of disqualification to hold any office of honor, trust or profit under the State of Texas, and declaring an emergency."

The bill was read second time.

POINT OF ORDER ON SENATE BILL NO. 252.

Mr. Dinkle raised the following point of order on further consideration of the bill:

The point of order raised is:

That this Legislature cannot consider, or attempt to pass, any bill which has in advance been declared to be unconstitutional by the Attorney General of this State.

On February 11, the Attorney General of Texas was asked by this House to pass on the validity of Senate bill No. 252, and on Friday, February 13, that official addressed to the House an opinion declaring that Senate bill No. 252 to be unconstitutional, in the following language:

"It is beyond the power of the Legislature to enact a statute which would pardon a person convicted upon Articles of Impeachment by the State Senate; a legislative enactment purporting to cancel, remit, release, and discharge disqualifications imposed by a judgment of the State Senate, acting as a court under Article XV of the State Constitution, is void; the disqualification mentioned in Article XV, State Constitution, is constitutional in its nature and cannot be set aside by statute; Senate bill No. 252 is unconstitutional."

Therefore, the Attorney General, having officially put this House on notice that Senate bill No. 252 is unconstitutional, following a unanimous request from the House, this House has that notice and cannot consider Senate bill No. 252.

The point of order raised is divided into two questions as follows:

1. "In the light of the opinion rendered by the Attorney General, does the House consider Senate bill No. 252 to be unconstitutional?"

2. "Should this House consider Senate bill No. 252?"

The Speaker overruled that part of the point of order relating to the consideration of Senate bill No. 252 by the House, and declined to rule on that part of the point of order relating to the constitutionality of the bill.

Mr. Donnell offered the following amendment to the bill:

Amend Senate bill No. 252, Section 2, by striking out all of line 3 after the words "shall be" and all of line 4, and add the following: "after November 2, 1926, fully canceled, remitted, released and discharged, provided a constitutional amendment shall have been adopted on or before November 2, 1926, authorizing the Legislature to repeal impeachment charges."

Mr. Jacks raised a point of order on consideration of the amendment on the ground that the amendment is not germane to the purpose of the bill.

The Speaker declined to rule on the point of order, stating that he would submit the matter to the House for its decision.

The House sustained the point of order by the following vote:

Yeas—82.

Albritton.	Bateman.
Amsler.	Bean.
Baker of Orange.	Blount.
Baker of Panola.	Boggs.
Barker.	Brown.
Barron.	Bryant.

Cade.	Masterson.
Chitwood.	Maxwell.
Coffey.	Merritt.
Covey.	Moore.
Cox of Lamar.	Morris.
Cox of Navarro.	Nicholson.
Dale.	Pavlica.
Daniels.	Pearce.
Davis of Dallas.	Perdue.
Davis of Wood.	Petsch.
DeBerry.	Powell.
Dielmann.	Renfro.
Downs.	Rice.
Dunn of Falls.	Robinson.
Enderby.	Rogers.
Farrar.	Rowell.
Faulk.	Sanford.
Finlay.	Shearer.
Florence.	Simmons.
Frnka.	Sinks.
Graves.	Smith of Nueces.
Gray.	Smith of Travis.
Hollowell.	Smyth.
Hoskins.	Stautzenberger.
Jacks.	Stevens.
Johnson.	Stevenson.
Jones.	Storey.
Justice.	Strong.
Kemble.	Teer.
Kenyon.	Thompson.
King.	Webb.
Kittrell.	Wester.
Laird.	Williamson.
Lane of Harrison.	Wilson.
Loftin.	Young.
Low.	

Nays—49.

Alexander	McDonald.
of Bastrop.	McDougald.
Alexander	McFarlane.
of Limestone.	McGill.
Atkinson.	McKean.
Avis.	McNatt.
Bartlett.	Parish.
Bedford.	Poage.
Bobbitt.	Pool.
Bonham.	Pope.
Carter.	Purl.
Conway.	Rawlins.
Coody.	Raymer.
Cummings.	Rowland.
Dinkle.	Sheats.
Donnell.	Sparks.
Dunn of Hopkins.	Stell.
Durham.	Stout.
Hagaman.	Taylor.
Hall.	Tomme.
Harman.	Veatch.
High.	Walker.
Kinnear.	Wells.
Lane of Hamilton.	Westbrook.
Lipscomb.	Woodruff.
Mankin.	

Present—Not Voting.

Fields.	Wade.
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Absent.

Acker.	Jordan.
Bird.	Kayton.
Dunlap.	Montgomery.
Foster.	Runge.
Hull.	Simpson.
Jasper.	Wallace.

Absent—Excused.

Harper.	McBride.
Irwin.	

PAIRED.

Mr. Jordan (present), who would vote "nay," with Mr. Harper (absent), who would vote "yea."

Mr. Runge (present), who would vote "yea," with Mr. Foster (absent), who would vote "nay."

Mr. Fields (present), who would vote "nay," with Mr. Simpson (absent), who would vote "yea."

Mr. Donnell offered the following amendment to the bill:

Amend Senate bill No. 252, Section 2, by striking out all of line 3 after the words "shall be," and all of line 4, and add the following: "after November 2, 1926, fully canceled, remitted, released, and discharged."

Mr. Loftin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—78.

Acker.	Enderby.
Amsler.	Farrar.
Baker of Orange.	Faulk.
Baker of Panola.	Finlay.
Barker.	Florence.
Barron.	Frnka.
Bateman.	Graves.
Bean.	Gray.
Blount.	Hollowell.
Boggs.	Hoskins.
Brown.	Jacks.
Bryant.	Johnson.
Cade.	Jones.
Chitwood.	Justice.
Coffey.	Kemble.
Coody.	Kenyon.
Covey.	King.
Cox of Navarro.	Kittrell.
Dale.	Laird.
Daniels.	Lane of Harrison.
Davis of Dallas.	Loftin.
Davis of Wood.	Low.
DeBerry.	Masterson.
Dielmann.	Merritt.
Downs.	Moore.
Dunn of Falls.	Morris.

Nicholson.	Smyth.
Pavlica.	Stautzenberger.
Pearce.	Stevens.
Perdue.	Stevenson.
Powell.	Storey.
Renfro.	Strong.
Rice.	Thompson.
Robinson.	Wallace.
Rogers.	Webb.
Rowell.	Wester.
Sanford.	Williamson.
Shearer.	Wilson.
Sinks.	Young.
Smith of Nueces.	

Nays—54.

Albritton.	McDonald.
Alexander	McDougald.
of Bastrop.	McFarlane.
Alexander	McGill.
of Limestone.	McKean.
Atkinson.	McNatt.
Avis.	Parish.
Bartlett.	Poage.
Bedford.	Pool.
Bobbitt.	Pope.
Bonham.	Purl.
Carter.	Rawlins.
Conway.	Raymer.
Cox of Lamar.	Rowland.
Cummings.	Sheats.
Dinkle.	Simmons.
Donnell.	Sparks.
Dunn of Hopkins.	Stell.
Durham.	Stout.
Hagaman.	Taylor.
Hall.	Teer.
Harman.	Tomme.
High.	Veatch.
Kinnear.	Wade.
Lane of Hamilton.	Walker.
Lipscomb.	Wells.
Mankin.	Westbrook.
Maxwell.	Woodruff.

Present—Not Voting

Fields.	Jordan.
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Absent.

Bird.	Montgomery.
Dunlap.	Petsch.
Foster.	Runge.
Hull.	Simpson.
Jasper.	Smith of Travis.
Kayton.	

Absent—Excused.

Harper.	McBride.
Irwin.	

PAIRED.

Mr. Jordan (present), who would vote "nay," with Mr. Harper (absent), who would vote "yea."

Mr. Fields (present), who would vote

"nay," with Mr. Simpson (absent), who would vote "yea."

Mr. Runge (present), who would vote "yea," with Mr. Foster (absent), who would vote "nay."

Mr. Wade offered the following amendment to the bill:

Amend Senate bill No. 252 by striking out all of section No. 1; and in Section 2, line 40, page 1, and line 1, page 2, strike out the word "such," "and it is expressly provided that nothing in this act shall be deemed to in any way reopen or set aside the said judgment of conviction, or to in anywise pertain to the action of any former Legislature in the premises."

Mr. Loftin moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—73.

Albritton.	Johnson.
Amsler.	Justice.
Baker of Orange.	Kemble.
Baker of Panola.	Kenyon.
Barker.	Laird.
Barron.	Lane of Harrison.
Bateman.	Loftin.
Bean.	Low.
Blount.	Masterson.
Boggs.	Merritt.
Brown.	Moore.
Bryant.	Morris.
Cade.	Nicholson.
Chitwood.	Pavlica.
Coffey.	Pearce.
Coody.	Petsch.
Covey.	Powell.
Cox of Lamar.	Rice.
Cox of Navarro.	Robinson.
Dale.	Rowell.
Daniels.	Sanford.
Davis of Dallas.	Shearer.
Davis of Wood.	Sinks.
Dielmann.	Smith of Nueces.
Downs.	Smyth.
Dunn of Falls.	Stautzenberger.
Farrar.	Stevens.
Faulk.	Stevenson.
Finlay.	Storey.
Florence.	Strong.
Frnka.	Thompson.
Graves.	Wallace.
Gray.	Webb.
Hagaman.	Wester.
Hollowell.	Williamson.
Hoskins.	Wilson.
Jacks.	Young.

Nays—58.

Alexander	Alexander
of Bastrop.	of Limestone.

Atkinson.	McKean.
Avis.	McNatt.
Bartlett.	Parish.
Bedford.	Perdue.
Bobbitt.	Poage.
Bonham.	Pool.
Carter.	Pope.
Conway.	Purl.
Cummings.	Rawlins.
DeBerry.	Raymer.
Dinkle.	Renfro.
Donnell.	Rogers.
Dunn of Hopkins.	Rowland.
Durham.	Sheats.
Enderby.	Simmons.
Hall.	Smith of Travis.
Harman.	Sparks.
High.	Stell.
King.	Stout.
Kinnear.	Taylor.
Kittrell.	Teer.
Lane of Hamilton.	Tomme.
Lipscomb.	Veatch.
Mankin.	Wade.
Maxwell.	Walker.
McDonald.	Wells.
McDougald.	Westbrook.
McFarlane.	Woodruff.
McGill.	

Present—Not Voting

Fields.	Jordan.
Jasper.	
Absent.	
Acker.	Jones.
Bird.	Kayton.
Dunlap.	Montgomery.
Foster.	Runge.
Hull.	Simpson.

Absent—Excused.

Harper.	McBride.
Irwin.	
Paired.	

Mr. Runge (present), who would vote "yea" with Mr. Foster (absent), who would vote "nay."

Mr. Jordan (present), who would vote "nay," with Mr. Harper (absent), who would vote "yea."

Mr. Fields (present), who would vote "nay," with Mr. Simpson (absent), who would vote "yea."

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 252 by striking out the word "Christian," page 2, line 20.

Mr. Dale moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—77.

Acker.	Jacks.
Albritton.	Johnson.
Alexander	Justice.
of Limestone.	Kemble.
Amsler.	Kenyon.
Baker of Orange.	King.
Baker of Panola.	Lane of Harrison.
Barker.	Loftin.
Barron.	Low.
Bateman.	Masterson.
Bean.	Moore.
Blount.	Morris.
Boggs.	Nicholson.
Brown.	Pavlica.
Bryant.	Pearce.
Cade.	Perdue.
Chitwood.	Petsch.
Coffey.	Powell.
Coody.	Rice.
Cox of Lamar.	Rowell.
Cox of Navarro.	Sanford.
Dale.	Shearer.
Daniels.	Simmons.
Davis of Dallas.	Sinks.
Davis of Wood.	Smith of Nueces.
DeBerry.	Smith of Travis.
Dielmann.	Smyth.
Downs.	Stautzenberger.
Durham.	Stevens.
Enderby.	Stevenson.
Farrar.	Storey.
Faulk.	Strong.
Finlay.	Thompson.
Florence.	Wallace.
Frnka.	Webb.
Graves.	Wester.
Gray.	Williamson.
Hagaman.	Wilson.
Hollowell.	Young.
Hoskins.	

Nays—46.

Alexander	McGill.
of Bastrop.	McKean.
Avis.	McNatt.
Bartlett.	Merritt.
Bedford.	Poage.
Bobbitt.	Pope.
Bonham.	Purl.
Carter.	Rawlins.
Conway.	Raymer.
Cummings.	Renfro.
Dinkle.	Robinson.
Donnell.	Rogers.
Dunn of Hopkins.	Rowland.
Hall.	Sheats.
Harman.	Sparks.
High.	Taylor.
Kinnear.	Teer.
Kittrell.	Tomme.
Lane of Hamilton.	Wade.
Lipscomb.	Walker.
Mankin.	Wells.
Maxwell.	Westbrook.
McDougald.	Woodruff.
McFarlane.	

Present—Not Voting.

Jasper.	Veatch.
Stell.	
	Absent.
Atkinson.	Laird.
Bird.	McDonald.
Covey.	Montgomery.
Dunlap.	Parish.
Dunn of Falls.	Pool.
Hull.	Runge.
Jones.	Stout.
Kayton.	

Absent—Excused.

Harper.	McBride.
Irwin.	

Paired.

Mr. Jordan (present), who would vote "nay," with Mr. Harper (absent), who would vote "yea."

Mr. Runge (present), who would vote "yea," with Mr. Foster (absent), who would vote "nay."

Mr. Fields (present), who would vote "nay," with Mr. Simpson (absent), who would vote "yea."

(Pending consideration of the bill Mr. Chitwood occupied the chair temporarily.)

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 10, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 255, A bill to be entitled "An Act to amend Section 1 of House bill No. 535, Chapter 155, of the General Laws of the State of Texas, passed by the Thirty-eighth Legislature at its Regular Session; fixing the rate of speed for motor vehicles upon the public highways of the State, and within the corporate limits of any of the incorporated cities or towns, and within the boundaries of towns, and within the boundaries of towns and villages not incorporated; prescribing penalties for violations of this act; repealing all laws or parts of laws in conflict with its provisions, and declaring an emergency."

S. B. No. 297, A bill to be entitled "An Act allowing corporations to issue preferred stock, and also providing that

such stock may take preference over common stock theretofore or thereafter issued, and further providing that such preference shall not exist as to common stock issued prior to the passage of this act without the consent given in writing of the holder of that stock, and declaring an emergency."

S. B. No. 298, A bill to be entitled "An Act providing for the employment of teachers who have been engaged ten years in teaching a special subject, without requiring that they have a certificate, and declaring an emergency."

S. B. No. 401, A bill to be entitled "An Act conferring upon counties the right of eminent domain where land, right of way or easements are necessary to be secured for the construction of jails, courthouses, hospitals, delinquent and dependent schools, poor farms, libraries or for other public purposes, and providing for the institution of such proceedings in the name of the county, and that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring right of way by railroads, and providing that no appeal shall cause suspension of work, and that counties shall not be required to give appeal bond or bonds for costs, and declaring an emergency."

H. B. No. 602, A bill to be entitled "An Act to fix the terms of court for the Sixth Judicial District in Fannin and Lamar counties, providing for the convening of grand juries in Lamar county; repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 303, A bill to be entitled "An Act to provide that owners of public free school land heretofore purchased from the State of Texas, which land may hereafter be forfeited for non-payment of interest as now provided by law, provided said forfeiture was caused by reason of interest accrued or accruing prior to the taking effect of this act, shall have the right to repurchase said lands or any part thereof at the reappraised value thereof under the law now governing such sales, and leaving any lien and valid contractual right existing in and to the land so repurchased unimpaired and providing for a revaluation of such land by the Commissioner of the General Land Office as may be desired to be repurchased under this act, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 393, to the Committee on Public Lands and Buildings.

Senate bill No. 303, to the Committee on Public Lands and Buildings.

Senate bill No. 255, to the Committee on Highways and Motor Traffic.

Senate bill No. 297, to the Committee on Education.

Senate bill No. 401, to the Committee on State Affairs.

Senate bill No. 438, to the Committee on Claims and Accounts.

Senate bill No. 446, to the Committee on School Districts.

Senate bill No. 382, to the Judiciary Committee.

Senate bill No. 33, to the Judiciary Committee.

Senate bill No. 298, to the Committee on Education.

RECESS.

On motion of Mr. Loftin, the House, at 6 o'clock p. m., took recess to 7:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 7:30 o'clock p. m. and was called to order by the Speaker.

ADOPTING JUNIOR GIRL MASCOT.

Mr. Purl offered the following resolution:

Whereas, Malory McDonald is one of the valued newspaper correspondents attendant upon many sessions of the Texas Legislature; and

Whereas, He is the proud father of a seven-pound baby girl, Miss Mary Ann McDonald; and

Whereas, The House has already elected a Junior Boy Mascot, in Silliman Evans, Jr.; and

Whereas, We have no Junior Girl Mascot; therefore, be it

Resolved by the House of Representatives of the Thirty-ninth Legislature, That we elect Miss Mary Ann McDonald our Junior Girl Mascot and extend to her father and mother our sincerest wishes and congratulations.

Signed—Purl, Covey, Fraka.

The resolution was read second time and was adopted.

SENATE BILL NO. 252 ON PASSAGE
TO THIRD READING.

The House resumed consideration of pending business, same being Senate bill No. 252, the Amnesty Bill, on its passage to third reading.

(Pending consideration of the bill Mr. Parish occupied the chair temporarily.)

Mr. Hall moved the previous question on the passage of the bill to third reading, and the main question was ordered.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 252 was then passed to third reading by the following vote:

Yeas—79.

Albritton.	Kenyon.
Amsler.	King.
Baker of Orange.	Kittrell.
Baker of Panola.	Laird.
Barker.	Lane of Harrison.
Bateman.	Loftin.
Bean.	Low.
Blount.	Masterson.
Boggs.	Moore.
Brown.	Morris.
Bryant.	Nicholson.
Cade.	Pavlica.
Chitwood.	Pearce.
Coffey.	Petsch.
Coody.	Powell.
Covey.	Renfro.
Cox of Lamar.	Rice.
Cox of Navarro.	Robinson.
Dale.	Rogers.
Daniels.	Rowell.
Davis of Dallas.	Runge.
Davis of Wood.	Sanford.
Dielmann.	Shearer.
Downs.	Simmons.
Dunn of Falls.	Smith of Nueces.
Farrar.	Smith of Travis.
Faulk.	Smyth.
Finlay.	Stautzenberger.
Florence.	Stevens.
Frnka.	Stevenson.
Graves.	Storey.
Hagaman.	Strong.
Hollowell.	Thompson.
Hoskins.	Wallace.
Jacks.	Webb.
Jasper.	Wester.
Johnson.	Williamson.
Jones.	Wilson.
Justice.	Young.
Kemble.	

Nays—53.

Alexander	Avis.
of Bastrop.	Bartlett.
Alexander	Bedford.
of Limestone.	Bobbitt.
Atkinson.	Bonham.

Conway.	Merritt.
Cummings.	Parish.
DeBerry.	Perdue.
Dinkle.	Poage.
Donnell.	Pool.
Dunn of Hopkins.	Pope.
Durham.	Purl.
Enderby.	Rawlins.
Foster.	Raymer.
Gray.	Rowland.
Hall.	Sheats.
Harman.	Sinks.
High.	Sparks.
Kinnear.	Stell.
Lane of Hamilton.	Stout.
Lipscomb.	Taylor.
Mankin.	Teer.
Maxwell.	Veatch.
McDougald.	Wade.
McFarlane.	Walker.
McGill.	Wells.
McKean.	Westbrook.
McNatt.	Woodruff.

Present—Not Voting.

McDonald.

Absent.

Acker.	Kayton.
Bird.	Montgomery.
Dunlap.	Tomme.
Hull.	

Absent—Excused.

Irwin. McBride.

Paired.

Mr. Fields (present), who would vote "nay," with Mr. Simpson (absent), who would vote "yea."

Mr. Jordan (present), who would vote "nay," with Mr. Harper (absent), who would vote "yea."

Mr. Carter (present), who would vote "nay," with Mr. Barron (absent), who would vote "yea."

Reasons for Vote.

I vote "nay" on Senate bill No. 252. I have no personal enmity whatever against the man for whose benefit it is intended. I voted for him in both of the second primary elections of 1922 and 1924, and would do so again under similar circumstances.

A little more than seven years ago the highest tribunal of this State met as a Court of Impeachment after charges had been presented by the House of Representatives. It considered the evidence and returned a verdict of conviction. In my humble judgment, this Legislature of today has no more right to set aside the conviction reached in that case than the district judge in that courthouse on the corner has to set aside the conviction

of a man who was convicted in his court ten years ago while a different judge was presiding. Furthermore, I do not believe in the giving of a pardon, unless there has first been an admittance of guilt and a repentance therefor.

If the people of Texas want the amnesty bill, then why not refer the matter back to them in the constitutional way? Why should the Legislature of Texas be called upon to shoulder the responsibility individually and collectively of passing the bill when it is clearly unconstitutional? I honestly believe the bill to be unconstitutional, and furthermore, I have an abiding faith in the opinion of our Attorney General, Dan L. Moody. If the people have spoken, if the people desire the passage of the bill, then is it asking too much that they do so in a manner pointed out by the highest law of the land? Would it not be fair and just to both Texas and the Legislature for the people to vote on the bill? I would be willing to vote for a constitutional amendment giving them the right to do so.

The Constitution is the charter of human liberties. It is the most sacred compact that a people can make. It is a priceless heritage which was purchased by the hallowed blood of our forefathers. In the last few years, the fundamental law of this commonwealth and nation have both been on trial. True American ideals and traditions, the faith with our forefathers, and the very mudsills of Democracy have all been shaken. I was not then, nor am I now, in favor of abrogating that reverential instrument just for the sake of one man or any set of men.

As the patriots of 1776 rallied to the support of the Declaration of Independence, so should every man now swear by the sacred blood of those who have gone before to stand by the Constitution of his State, and upon that rock, my oath of office, my conscience, and my duty, as I see it, I am casting my vote.

STOUT.

By unanimous opinion of the Attorney General's Department, Senate bill No. 252 was ruled unconstitutional. I vote "nay" in support of that able opinion and my honest conviction. I will vote for the constitutional amendment.

SHEATS.

By unanimous opinion the Attorney General's Department of Texas held that Senate bill No. 252 was unconstitutional. I voted "nay" in support of that able opinion and my honest convictions.

WALKER.

Believing that the passage of this bill will remove from Texas politics a disturbing element which has brought untold damage to our great State in that the people have been elected to office solely because of sympathy, I vote "yea."

KEMBLE.

The reason why I voted present and not voting on the Amnesty Bill, No. 252, is as follows:

First. I did not think it was constitutional, which opinion was sustained by the Attorney General's decision.

Second. I could not vote for the Amnesty Bill under my oath to "perform all the duties incumbent upon me, according to the best of my skill and ability agreeable to the Constitution and laws of the United States and of this State."

Third. Many of my constituents and friends of the Sam Houston Teachers College, as well as its faculty, were afraid that if I cast my vote against the amnesty bill it might hurt their appropriation (how they got the impression I do not know). However it resulted in my receiving a telegram signed by eleven prominent persons who were interested in the school, saying, "We urge you to support the Ferguson Amnesty Bill." I telegraphed back: "Mr. ——— and others: Can not vote for Amnesty Bill on constitutional grounds. If I am in the way of appropriation I will resign." But after considering the matter, to allay the fears of my friends and constituents, I concluded to sacrifice a right which is as dear to me and every other red-blooded American as life itself, rather than endanger, if any, an institution of learning.

McDONALD.

By profession a lawyer, I must, to the extent of my humble ability, vote to maintain constitutional government. Personal or political consequences are of no moment; the supremacy of the law must be maintained. I vote "nay" on Senate bill No. 252.

WADE.

I vote "nay" on Senate bill No. 252 for the following reasons:

When this bill came to us for consideration we passed a resolution calling on the Attorney General for an opinion as to its constitutionality, and in compliance to said resolution the Attorney General rendered to us his opin-

ion holding the bill to be unconstitutional and void and would not accomplish the purpose sought to accomplish.

I took an oath to support the Constitution, therefore I can not in compliance with said oath vote for a measure I believe to be unconstitutional.

HIGH.

I vote against Senate bill No. 252, the Amnesty Bill, and desire to state my reasons therefor as follows:

I was a joint author of a resolution filed on February 11, 1925, requesting the Attorney General of Texas to advise the House of Representatives, by written opinion, as to whether the said Senate bill No. 252 as drawn would be or would not be constitutional. This resolution was adopted by the House unanimously, and in due time the distinguished Attorney General delivered his opinion, holding that the Amnesty Bill was unconstitutional in all its parts, and that the Legislature of Texas was without power to pass such a measure. The highest legal authority in the State having declared the bill to be unconstitutional, I am constrained to be guided by his views in this respect.

It being generally conceded that Hon. Jas. E. Ferguson should be relieved of his constitutional disqualification, I have consistently and persistently exerted my best efforts to get before the House of Representatives the Veatch House concurrent resolution proposing an amendment to the Constitution which would provide a way by which Mr. Ferguson could be legally relieved of his present disability. With the foregoing explanation of my views, and believing the utmost regard should be accorded the fundamental law of our State, I unhesitatingly vote my conscientious conviction.

McDOUGALD.

Mr. Speaker, it is not my intention to try to change a single vote on the Amnesty Bill, but before any member of this House votes against this bill or for this bill, his reasons for such vote should be perfectly clear in his own mind.

There have been two factions in this House for two weeks using unjustifiable tactics and making charges and counter charges while many constructive measures were treated with but little or no concern. There is and has been a third band of Representatives during this time in this House who have steadfastly acted and voted for the dispatch of the

regular business in this House and have looked upon the folly of the others with disdain and disgust. I am not of the two factions, but of the third group of independents, free to stand on the floor of this House, in the open, to let my actions, my voice and my vote be an open book in the history that we are now making. If there is anything that I admire it is open, frank, fair dealing.

Now, about the "whys" and "why nots" of the Amnesty Bill. The people of this State have centered their attention on this House to see how we shall treat a judgment of impeachment rendered by the Constitution of Texas. This question involves but one man, directly, in all of Texas; yet the action of this House will touch every section in our Constitution.

Let us take a review of the recent past. Let us keep in mind that this bill seeks to render a form of easement, a sort of pardon to one who was formally and constitutionally impeached by this House and the charges sustained by the Senate seven or eight years ago. Let us remember how the people voted in the elections of 1924 before we speak of the constitutionality of this act. Let us concede that the gentleman affected by this bill announced one of the best platforms of all the candidates for Governor in the 1924 campaign. Let us remember that his good wife went up and down this State pleading for votes for Governor that the stigma of impeachment should be removed if possible under the Constitution. The people of Texas have dealt kindly and generously with the gentleman that this bill seeks to effect.

Let us analyze the vote of the people during the past year.

Why did the good wife stand second in the first primary? First, because of that group of steadfast friends who have always voted for the distinguished ex-Governor. Second, because of his common sense business platform, and third, because of his bitter fight against the Ku Klux Klan. But did the two leading candidates, combined, hold a majority of all the votes cast in the first primary? They did not. This is one indication as to how the majority of the people felt about it. Let's analyze the second primary. The people of Texas gave a vast majority to the distinguished woman candidate feeling that Texas would fare better under the influence of an impeached Governor than under the influence and domination of

the imperial wizard of the Knights of the Ku Klux Klan. Her great majority was a protest vote. The chief motive was to defeat the Klan, and not a thought that the coming Legislature would enact a law in the face of a doubt as to a direct violation of the Constitution of Texas. Her victory in the November election was in all reality a second contest between the Klan and Republicans on one side and the anti-Klan and steadfast supporters of the Democratic party, regardless of Klan or anti-Klan, on the other side. A series of circumstances has reinstated the former Governor with full influence and authority, virtually as Governor of this State. In reality the gentleman affected by this bill, known as the Amnesty Bill, has been vindicated and stands today in places of the highest honor, yet there remains the impeachment proceedings and judgment of a previous Legislature. Can this or any other Legislature set aside a judgment rendered solely by the Constitution of the State of Texas? From my personal standpoint I have no desire to inflict embarrassment or injustice on any human. I am a friend of the distinguished person affected by this bill, but I believe I would be doing violence to our Constitution to vote for it. I have kept myself absolutely clear of any and all factions and caucuses, for or against this measure. I have heard the arguments for and against this Amnesty Bill from the constitutional standpoint. My mind and my conscience is clear that the framers of our Constitution never contemplated or expected any Legislature to attempt to set aside an impeachment judgment.

Since before the assembly of this Legislature, the outstanding attorneys of this State sought every source to find a plausible constitutional avenue through which the impeachment charges could be removed. The time of this Legislature was fast passing and a daring move had to be taken. The proponents of this bill over in the Senate, however, acknowledged the fact that such a bill might be unconstitutional; that it could be passed and the constitutionality would not and could not be tested in the courts unless the gentleman affected asked for some office in this State. It is a dangerous proceeding to pass any act where the constitutionality is so doubtful. But the Senate hurriedly passed this bill but not under the same condition, information and advice that this House now possesses. This bill

came to this House, the Judiciary Committee voted and tied as to whether recommend it should pass or not pass. Then the House voted unanimously demanding or requesting the Hon. Dan Moody, Attorney General of Texas, to render an opinion as to the constitutionality of this bill. The distinguished Attorney General complied with this request in a most exhaustive and convincing opinion, saying in very strong terms that this bill was not constitutional. This department is our constituted legal adviser. If we shall be guided by its decision when it suits our fancy and reject its opinion when it does not agree with our ideas, why, then, should any question or proposed law ever be submitted to the Attorney General? With the foregoing statements and facts, I am compelled to respect my oath of office and not do violence to the Constitution of the State of Texas by voting for a measure that the people of Texas in their Constitution forbids me to do. I therefore vote "nay."

POPE.

Being one of the few members of this body who was a member in 1917, and voted to sustain the impeachment charges against James E. Ferguson, I find myself somewhat in the attitude of the juror, who, having voted for conviction, is called on nearly eight years later to endorse an application for a pardon.

In all the years I have been a member of this body, I have faithfully tried to uphold the Constitutions of the United States and of Texas, and yet in doing that I have voted for measures which good lawyers said were unconstitutional, but which the Supreme Court held to be valid, and for measures, the constitutionality of which no member questioned, but which proved to be otherwise. Good lawyers hold divergent views as to the constitutionality of this measure, and I leave it for the courts to decide.

Because I am of the opinion that the people of Texas and of my county want it done; because I believe the ends of justice have been served, I vote for Senate bill No. 252, the only effect of which will be to restore to Mr. Ferguson full rights as a citizen of Texas. And if I err in so doing, I do so on the side of mercy.

JOHN E. DAVIS.

I vote "nay." I do not raise the point of the guilt or innocence of James E. Ferguson, or whether he should or should

not be pardoned; he has my sympathy. But I cast my vote to uphold the Constitution as I see it.

STELL.

On Senate bill No. 252 I voted "nay," and wish to have printed my reasons for so doing. Regardless of the contention as to the guilt or innocence of James E. Ferguson I have clearly made up my mind that he deserves pardon and reinstatement of citizenship by this State. The question in voting for or against Senate bill No. 252, was, as I saw it, purely a proposition as to the method of securing for him the aforesaid privileges. There is now before the House a constitutional amendment that would, as I see it, solve this problem fairly and without doubt for once and all. I have tried to bring this amendment before the House with the intention of supporting same, and if in the remainder of this session it comes up I shall vote for it. I prefer an amendment to the Constitution for securing a pardon for those impeached, because it is admitted by all that there can be no question as to the fairness of this method. To be perfectly clear, I wish to reiterate, that I personally favor his pardon, and my vote against Senate bill No. 252 cannot be construed fairly as to be opposed to the said pardon. I will admit that the proponents of the bill sought to make the question purely one of pardon and to throw those voting for it purely in the light of advocating pardon, and those who voted against it in the attitude of being against pardon. The question in my mind was purely of a method to secure the result of pardon. I question seriously in my own mind the constitutionality of Senate bill No. 252. In so making up my mind I not only consulted my best mental ability, but I took into consideration the opinion of the State's Attorney General, also the opinion of those whom I term to be the best constitutional lawyers in this State, and finally the advice of three of my best private lawyer friends. My private policy as a citizen and my public policy as a representative of the people has been that the end does not justify the means. My opposition to the Ku Klux Klan was based in that fundamental principle. My contention in the last election, both primary and general, was that the end did not justify the means, and, therefore, I submitted to the will of the majority and spoke on the stump in behalf of the Democratic nominee, Miriam A. Ferguson. I accepted the election of Miriam A. Ferguson as Gov-

ernor of this State in good faith and as the will of the people in my State. I came to Austin with my mind fully made up to support her administration for the good of the people of my State and I have by word and action so sought to do. I appreciate personally the administration's attitude to me and my county, and I do not feel, as some anticipate, that I, by my vote, will incur the antagonism of the administration. I feel just as free to continue my efforts in conjunction with James E. Ferguson and wife for the good of my State today as I did yesterday. In conclusion, I will say my policy in the past was, and my policy in the future will be to vote against all bills, regardless as to the equity of result accomplished, so long as I believe that said legislation is, in my mind, a violation of the Constitution and my conception of Democratic principle. I sincerely trust that James E. Ferguson and wife, and the proponents of Senate bill No. 252 will be as fair to me as I believe I have been to them, and in their consideration of my vote will not be so presumptuous as to attach any other motive than that which is herein explained.

DeBERRY.

Feeling it my indispensable duty to uphold the principles of the Constitution and lend my moral support to the dignity of the office of the Attorney General of the State of Texas, and fully satisfying my conscience of doing my full duty as a good citizen prompts me to vote "nay."

KINNEAR.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 218, "An Act repealing Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 64 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the

Fourth Called Session of the Thirty-sixth Legislature, and an act to embody in one act the substance of the provisions of said repealed statutes, with substantially the following eliminations and changes, viz.: 1. Abolishing the system of compulsory tick eradication and eradication zones, as provided for in said repealed statutes. 2. Providing for the placing under quarantine of all portions of Texas that are at present infested with the fever-carrying tick," etc.

ADJOURNMENT.

On motion of Mr. Jacks, the House, at 9:30 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, March 10, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 218, "An Act repealing Chapter 60 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 12 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 4 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, as amended by Chapter 64 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 27 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 38 of the General Laws of the Third Called Session of the Thirty-sixth Legislature, as amended by Chapter 10 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, and an act to embody in one act the substance of the provisions of said repealed statutes, with substantially the following eliminations and changes, viz:

1. Abolishing the system of compulsory tick eradication and eradication zones, as provided for in said repealed statutes.

2. Providing for the placing under quarantine of all portions of Texas that are at present infested with the fever-carrying tick.

3. Providing for compulsory tick erad-

ication work at the expense of the State in the several counties as provided for in this act, such work to be initiated and commenced in those tick infested counties and portions of counties as may be designated by the Live Stock Sanitary Commission; said counties and portions of counties being bounded on the east by the Brazos River from the mouth of said river to the northwest corner of Robertson county, and being all counties north and west of the following lines:

"Commencing at the northwest corner of Robertson county, on said Brazos River; thence in an easterly direction with the north lines of Robertson and Leon counties to the northeast corner of Leon county, in the west line of Anderson county; thence in a southerly direction, following the west line of Anderson county, to the southwest corner of said county and northwest corner of Houston county; thence in an easterly direction with the dividing line between said counties of Anderson and Houston to the southeast corner of Anderson county; thence in a northerly direction, following the east line of Anderson county, to the northwest corner of Cherokee county, same being the southwest corner of Smith county; thence in an easterly direction, following the north line of Cherokee county, to the northeast corner of same, being the southeast corner of said Smith county, in the west line of Rusk county; thence with the west line of Rusk county in a northerly direction to the northwest corner of same, said point being the southwest corner of Gregg county; thence in an easterly direction following the north line of Rusk county to where the same intersects the south line of Harrison county and the north line of Panola county; thence east with the south line of Harrison county to the southeast corner of said Harrison county on the Louisiana State line, and providing for the prosecution of said compulsory tick eradication work until all of the counties and portions of counties lying west and north of the above mentioned lines are freed of the fever-carrying tick and are released from quarantine by the Live Stock Sanitary Commission of the State of Texas."

4. Prohibiting the owners of live-stock in quarantined areas from shipping, driving, or permitting such stock to go, without legally issued permits therefor, into or along the side of any area that is free of fever-carrying ticks or in which systematic tick eradication is being carried on, and prescribing penalties for a violation of said requirement.

5. Prohibiting the owners, caretakers or persons in charge of any cattle infested with the fever-carrying tick from shipping, driving, drifting or permitting said cattle to go into any other county or portion of county within this State that is free of ticks or that may have been released from quarantine by the Live Stock Sanitary Commission of the State of Texas, and providing penalties therefor.

6. Prohibiting any owner or those controlling or caring for any live stock from moving from the land or premises of any person in a county that has been quarantined, live stock on, to, through or along the side of the premises or land of any other person in such county, without securing a permit in writing from a duly authorized inspector of the Live Stock Sanitary Commission, and prohibiting the shipping, driving or moving of quarantined live stock in any manner from any county under quarantine into any other county in this State, without first securing a written permit from a duly authorized inspector of the Live Stock Sanitary Commission of the State of Texas, and providing penalties therefor.

7. Requiring all owners or caretakers of any live stock, subject to infestation by the fever-carrying tick, to gather, drive and dip their live stock when infested or exposed to the said fever-carrying tick, upon each regular dipping date, and providing penalties therefor.

8. Providing penalties for the railroads and other common carriers in this State for receiving and transporting any cattle from any quarantined portion of this State to any other portion of this State, without those cattle having been first certified to by a duly authorized inspector of the Live Stock Sanitary Commission of the State of Texas, as being cattle subject to be shipped or transported under the provisions of this act.

9. Permitting live stock to go, on permits of the Live Stock Sanitary Commission or the Bureau of Animal Industry, from all quarantined counties, areas, premises or land to State markets for immediate slaughter after one dipping under official inspection of said Live Stock Sanitary Commission or of said Bureau of Animal Industry, and permitting cattle to go from quarantined to other quarantined counties on one dipping under said official inspection, provided the county to which such

cattle are shipped is not engaged in systematic tick eradication, and providing further, that in moving said cattle to the shipping pens when shipped for immediate slaughter or to another quarantined county, they shall not pass through, into or along the side of any clean area or any area in which systematic tick eradication is being carried on, and in the case of cattle shipped from one quarantined county to another quarantined county they shall not be unloaded in clean pens, or unloaded in clean pens at the point of destination, and shall not, after they reach the point of destination, be driven or moved through, into or along the side of any clean area, and providing penalties therefor.

10. Permitting live stock to be shipped or moved, on permit, from all quarantine areas into free areas, otherwise than for immediate slaughter, upon such live stock being dipped, until cleaned of ticks, and inspected by an authorized inspector of the Live Stock Sanitary Commission, which certificate, among other things, shall recite that said cattle have been dipped until they are cleaned of ticks, and have not been, since being so cleaned, exposed to said fever tick, and providing that said Live Stock Sanitary Commission shall furnish such inspection and permit when requested by the live stock owner to do so, and providing for penalties therefor.

11. Providing for the eradication and control, among cattle, horses, mules, asses, sheep, goats, hogs and other live stock of this State, of all infectious, contagious and communicable diseases of live stock, known as splenic tick fever, bovine tuberculosis, anthrax, glanders, contagious abortion, hemorrhagic septicemia, cattle scabies, hog cholera, Malta fever, foot and mouth disease, rabies, and other contagious and infectious diseases. Providing for a system of quarantine by the Live Stock Sanitary Commission of Texas, and the quarantine of such of the above mentioned live stock, premises, pens, pastures, ranches, yards, counties and parts of counties; authorizing said commission to issue directions for dipping cattle, horses, mules and asses for eradicating the fever-carrying tick and cattle scabies; providing for said commission to adopt necessary rules and regulations; providing for the division of the State of Texas into free area, tick eradication area and general quarantine area, and the eradication of the fever-

carrying tick (*Magararopic Annulatus*) in the tick eradication area and free area, and providing for said commission to employ supervising inspectors and to appoint county inspectors upon the recommendation of the respective commissioners courts, and to authorize the employment of veterinarians, clerical help, law enforcement assistants and other necessary help for carrying out the provisions of this act. Providing for the respective commissioners courts, in counties where tick eradication work is being carried on, to furnish and maintain necessary dipping vats, and the expense of paying the salaries of inspectors and furnishing dip to be borne by the State of Texas.

12. Providing for the establishment by the Live Stock Sanitary Commission of such rules and regulations as will require owners of cattle, horses, mules and asses to dip said animals in an arsenical solution of not less than seven and one-half pounds and not more than nine and one-eighth pounds of arsenic to each 500 gallons of water, for the purpose of destroying, eradicating and removing the fever-carrying tick or exposure, and providing a penalty for the refusal of the owner, caretaker or person in charge of said live stock to so dip same, and continue said dipping at intervals of every fourteen days, or such longer time, as said Live Stock Sanitary Commission may direct and require in its regulation.

13. Providing and granting authority to any inspector of the Live Stock Sanitary Commission of Texas to go on the premises and land of any owner of live stock in this State, and authorizing them to make an examination of the cattle, horses, mules and asses, to determine whether they are infested with the fever-carrying tick, and providing penalties therefor.

14. Providing for a system of local option tick eradication work, at State expense, in all tick infested counties in Texas in which said work is not now being prosecuted at State and county expense and as provided for in this act, and declaring an emergency.

15. Providing for the employment and payment of supervising and county inspectors and the purchase of necessary dip, at State expense, and providing for the several counties in which systematic tick eradication is being carried on, building, leasing and maintaining dipping vats, pens and other facilities.

16. Providing that any owner, owners, or caretakers of any cattle or other

live stock that carry fever-carrying ticks, shall gather, drive and dip said cattle after being given notice by the Live Stock Sanitary Commission, or its chairman, so to do, and providing penalties for the failure to comply with said notices as provided for in this act.

17. Providing for the district attorney and the Attorney General to bring suit for mandamus against the county judge and commissioners court, compelling them to furnish necessary dipping vats, pens, chutes and appliances, and to maintain same, as provided for in this act."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

FORTY-FIRST DAY.

(Wednesday, March 11, 1925.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Dielmann.
Albritton.	Dinkle.
Alexander	Donnell.
of Bastrop.	Downs.
Alexander	Dunn of Falls.
of Limestone.	Dunn of Hopkins.
Amsler.	Durham.
Atkinson.	Enderby.
Avis.	Farrar.
Baker of Orange.	Faulk.
Baker of Panola.	Fields.
Barker.	Finlay.
Barron.	Florence.
Bartlett.	Foster.
Bateman.	Frnka.
Bean.	Graves.
Bedford.	Gray.
Blount.	Hagaman.
Bobbitt.	Hall.
Boggs.	Harman.
Bonham.	High.
Brown.	Hollowell.
Bryant.	Hoskins.
Cade.	Hull.
Carter.	Jacks.
Chitwood.	Jasper.
Coffey.	Johnson.
Conway.	Jones.
Coody.	Jordan.
Covey.	Justice.
Cox of Lamar.	Kayton.
Cox of Navarro.	Kemble.
Cummings.	Kenyon.
Dale.	King.
Daniels.	Kinnear.
Davis of Dallas.	Kittrell.
Davis of Wood.	Laird.
DeBerry.	Lane of Hamilton.